

Notice of Allowability

Application No.

09/748,739

Examiner

Bennett Celsa

Applicant(s)

LOCKRIDGE ET AL.

Art Unit

1639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated 5/12/05.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ The drawings filed on 26 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was provided in the Preliminary Amendment and Request for RCE dated 11/10/04 canceling claims 3-39.

The application has been amended as follows:

IN THE CLAIMS:

Please cancel claims 3-39 (nonelected), without prejudice or disclaimer.

Relevant Documents:

1. PG PUB: US 2003/0096401 (filed Nov. 28, 2001)
2. 60/367,379 (filed Nov. 28, 2000)
3. OM protein-protein search using, sw model: Result 1 US to 2003/0096401 (HUSE) showing 100% query match to 1-602 of present SEQ ID 2.

The PG PUB: suggests (e.g. Example 11 and figure 8) the A328W human butrylcholinesterase variant protein (e.g. SEQ ID 2) currently claimed but does not specifically disclose seq. ID 2 nor claim said sequence. The US application 09/997,209 corresponding to PG PUB: US 2003/0096401 (filed Nov. 28, 2001) is abandoned. The PG PUB is unavailable as prior art since the PG PUB is denied 35 USC 119(e) priority to 60/367,379 in light of the failure of the provisional application fails to satisfy 35 USC 112, first paragraph. The provisional application does not disclose figure 8 or Example

Art Unit: 1639

11 and thus fails to suggest the making and/or use of the presently claimed A328W human butrylcholinesterase variant protein (e.g. SEQ ID 2).

2. The following is an examiner's statement of reasons for allowance: the prior art of record fails to disclose or suggest a butyrylcholinesterase variant comprising a sequence of amino acid residues 1 or 29 to 602 inclusive of the amino acid sequence shown as SEQ ID 2. Applicant's amendment and arguments presented in the 4/19/05 and 5/12/05 correspondences were found persuasive to overcome the outstanding rejections of record.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1639

Future Correspondences:


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Celsa whose telephone number is 571-272-0807. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bennett Celsa
Primary Examiner
Art Unit 1639

July 12, 2005
BC

A handwritten signature in black ink, appearing to read 'Bennett Celsa', is written over the printed name and title.